

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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DR. SHIVA AYYADURAI,

Plaintiff,

v.

WILLIAMS FRANCIS GALVIN, MICHELLE )  
K. TASSINARI, DEBRA O'MALLEY, AMY )  
COHEN, NATIONAL ASSOCIATION OF )  
STATE ELECTION DIRECTORS, allegedly )  
in their individual capacities, and WILLIAM )  
FRANCIS GALVIN, in his official capacity as )  
Secretary of State for Massachusetts. )

Defendants.

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Civ. No. 20-cv-11889

**MOTION FOR LEAVE TO FILE REPLY BY THE  
NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS AND AMY COHEN  
IN SUPPORT OF MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Pursuant to Local Rule 7.1(b)(3), Defendants the National Association of State Election Directors (“NASED”) and Amy Cohen<sup>1</sup> respectfully seek leave to file a Reply to respond to certain arguments and misstatements made in Plaintiff’s *pro se* Opposition [Dkt No. 50] to their Motion to Dismiss for Failure to State a Claim [Dkt No. 45].

NASED and Ms. Cohen request an opportunity to respond to contentions and assertions Plaintiff makes or develops for the first time in his Opposition, which is replete with mischaracterizations and inaccurate recitations of the law and advances convoluted, shifting and amorphous claims of state action and causation against Defendants that are inconsistent with the theories alleged in the Amended Complaint and have no basis in law. NASED and Ms. Cohen’s proposed Reply is attached hereto as Exhibit A and is ten (10) pages long.

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<sup>1</sup> Ms. Cohen submits this request without waiver of her defenses based on lack of personal jurisdiction.

WHEREFORE, the undersigned Defendants respectfully request that the Court grant this motion for leave to file the attached Reply.

Dated: February 1, 2021

Respectfully submitted,

*For the National Association of State Election  
Directors and Amy Cohen*

/s/ Nolan J. Mitchell

Nolan J. Mitchell (BBO #668145)

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#### **LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that on January 29, 2021, I contacted Plaintiff in good faith in an attempt to narrow or resolve the issues raised by this motion, but the parties were unable to do so.

Dated: February 1, 2021

/s/ Nolan J. Mitrchell

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 1<sup>st</sup> day of February, 2021, a true and correct copy of this document was served on plaintiff and all registered counsel of record via the Court's ECF system.

/s/ Nolan J. Mitchell

Nolan J. Mitchell